

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
JOAQUIN GAGER and DIANA GAGER,	:	
	:	
Plaintiffs,	:	14-CV-10144 (JPO)
	:	
-v-	:	<u>ORDER</u>
	:	
PEAPOD LLC, GENERAL ELECTRIC	:	
CAPITAL CORP., and MICHAEL WENZLOFF,	:	
	:	
Defendants.	:	
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J. PAUL OETKEN, District Judge:

Plaintiffs invoke the Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). For purposes of diversity jurisdiction, any business entity (other than a corporation) has the citizenship of each of its members. *See Carden v. Arkoma Assocs.*, 494 U.S. 185, 195–96 (1990). "Jurisdiction must be shown affirmatively, and that showing is not made by drawing from the pleadings inferences favorable to the party asserting it." *APWU v. Potter*, 343 F.3d 619, 623 (2d Cir. 2003) (brackets and internal quotation marks omitted).

Plaintiffs' Complaint fails to state the identity and citizenship of all the members of Defendant Peapod LLC. Plaintiffs shall show cause within 14 days as to why their claims against Peapod LLC should not be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: February 27, 2015  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge